

OPINION 1037

CURRUCA AFFINIS BLYTH, 1845 (AVES) SUPPRESSED UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers the specific name *affinis* Blyth, 1845, as published in the binomen *Curruca affinis* is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The following names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified:

(a) *althaea* Hume, 1878, as published in the binomen *Sylvia althaea* (Name No. 2546);

(b) *blythi* Ticehurst and Whistler, 1933, as published in the combination *Sylvia curruca blythi*, and interpreted by reference to the British Museum specimen No. 98.9.101 (Name No. 2547).

(3) The specific name *affinis* Blyth, 1845, as published in the binomen *Curruca affinis* (as suppressed under the plenary powers in (1) above) is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1003.

HISTORY OF THE CASE (Z.N.(S.) 1866)

The present application was submitted to the office of the Commission by George E. Watson in November 1968. The application was sent to the printer on 24 January 1969 and was published on 12 May 1969 in *Bull. zool. Nom.* 26 : 39–41. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nom.* 31 : 97) and to twelve ornithological serials. The application was supported by Dr. Charles Vaurie on behalf of the Standing Committee on Ornithological Nomenclature of the International Ornithological Congress.

DECISION OF THE COMMISSION

On 13 August 1970 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (70)30 either for or against the proposals set out in *Bull. zool. Nom.* 26 : 41. At the close of the prescribed voting period on 13 November 1970 the state of the voting was as follows:

Affirmative votes—sixteen (16), received in the following order: Melville, Eisenmann, Vokes, Tortonese, *Holthuis, Jaczewski, Obruchev, Sabrosky, Binder, Lemche, Mayr, Bonnet, Starobogatov, Kraus, Alvarado, Simpson

Negative votes—none (0).

On Leave of Absence—one (1): Forest

Voting Papers not returned—two (2): Munroe, Ride

Dr. Brinck returned a late affirmative vote. *Dr. Holthuis was only partially in favour of the proposals.

In returning his Voting paper Dr. Holthuis made the following comment (4.ix.70): "Ticehurst and Whistler (1933, *Ibis* 1933: 556) when proposing

Sylvia curruca blythi nom. nov. definitely did not do so to replace *Sylvia affinis* Blyth, which they clearly stated to be synonymous with *Sylvia althaea* Hume. They use the expression nom. nov. erroneously since they consider it a new name for the species indicated by Hartert without a name. They should have written spec. nov., and their type selection of the specimen from Cawnpore is entirely valid. There is no need therefore to make this specimen the type under the plenary powers."

This comment has been taken into account in the writing of this Opinion.

ORIGINAL REFERENCES

The following are the original references for names placed on the Official Lists and Index by the Ruling given in the present Opinion:

affinis, *Curruca*, Blyth, 1845 *J. Asiat. Soc. Beng.* **14** : 564

althaea, *Sylvia*, Hume, 1878 *Stray Feathers* **7** : 60

blythi, *Sylvia curruca*, Ticehurst & Whistler, 1933, *Ibis* **1933** : 26

CERTIFICATE

I certify that the votes cast on Voting Paper (70)30 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission is truly recorded in the present Opinion No. 1037.

R. V. MELVILLE
Secretary

International Commission on Zoological Nomenclature

London

10 December 1974